



04-CR-00229-DSGNTN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) Case No. CR04-00229-RMT  
Plaintiff, )  
vs. ) ORDER DENYING DEFENDANT'S  
DAVID STRUCKMAN, ) MOTION FOR TEMPORARY  
Defendants. ) RELEASE TO PREPARE FOR TRIAL  
\_\_\_\_\_  
)

This matter has come before the court on the motion filed January 31, 2007 by defendant David Struckman ("Defendant") for temporary release to prepare for trial, by which Defendant renews his previously filed motion for the same relief. Def's Motion or Docket # 277. The court finds that Defendant's motion should be denied for the following reasons:

Although Defendant contends that the Federal Detention Facility is not conducive to pretrial preparation with Defendant's counsel, the response from the warden of such facility indicates otherwise.

According to Warden Robert J. Palmquist, rooms are available and may be reserved by counsel, upon request. Letter from Robert J. Palmquist, attached as Part 4 to Defendant's Motion, at 1. A reserved room would ensure that the communications between attorney and client remain confidential.

1       Similarly, Warden Palmquist states that the facility has two laptop computers to  
2 be used in the Visiting Room area. Although Defendant indicates that there is "no  
3 assurance the computer will be available for any length of time on any given day," Def's  
4 Motion at 2, Warden Palmquist does not state that the laptops may not be reserved.  
5 Presumably if a room in the Visiting Room area may be reserved, so could Defendant  
6 reserve a laptop to be used in that reserved room.

7       While the court recognizes that the present case may entail large amounts of  
8 information and documents, and while defense counsel may choose a specific type of  
9 software to access such information, defense counsel should be able to download the  
10 necessary documents into digital media. In turn, such media may be used at the laptop  
11 computer available to inmates and their counsel for their use at the facility.

12       The court recognizes that preparation for trial and attorney-client confidentiality  
13 are of utmost importance. However Warden Palmquist's letter indicates that the  
14 following accommodations can be made for Defendant:

15       1) a room can be made available for the use of Defendant and his counsel for the  
16 dates indicated by Defendant;

17       2) a laptop can be made available for Defendant's use for trial preparation.

18 Warden Palmquist shall take reasonable steps to ensure that the information to be  
19 reviewed by Defendant and his counsel remains confidential;<sup>1</sup> and

20       3) additional arrangements can be made upon proper request.

21       Accordingly,

22       IT IS ORDERED that Defendant's Motion for Temporary Release is hereby  
23 DENIED;

24       IT IS FURTHERED ORDERED that government assist Defendant's counsel by  
25 communicating Defendant's request to Warden Robert J. Palmquist or his designated

27       

---

<sup>1</sup> Reasonable steps may include the use of passwords to log in and out of the  
28 available laptop, which would then make the information accessed by a particular  
individual inaccessible to other individuals, provided the first user logs out.

1 personnel, at the Federal Detention Center in Seattle, Washington, where Defendant is  
2 in custody.

3

4 Dated: February 13, 2007.

  
5  
6 ROBERT M. TAKASUGI  
7 United States District Sr. Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28